| 1  | STEVEN G. KALAR   |                           |                             |  |  |
|----|---|---------------------------|-----------------------------|--|--|
| 2  | Federal Public Defender GRAHAM ARCHER   |                           |                             |  |  |
| 3  | Assistant Federal Public Defender 55 South Market Street, Suite 820   |                           |                             |  |  |
| 4  | San Jose, CA 95113<br>Telephone: (408) 291-7753   |                           |                             |  |  |
| 5  | Facsimile: (408) 291-7399<br>Email: Graham_Archer@fd.org  |                           |                             |  |  |
| 6  | Email. Granant_7 nener @10.01g  |                           |                             |  |  |
| 7  | Counsel for Defendant JOHNNY RAY WOLFENBARGER   |                           |                             |  |  |
| 8  |   |                           |                             |  |  |
| 9  | IN THE UNITED STATES DISTRICT COURT   |                           |                             |  |  |
| 10 | FOR THE NORTHERN DISTRICT OF CALIFORNIA   |                           |                             |  |  |
| 11 | SAN JOSE DIVISION   |                           |                             |  |  |
| 12 |   |                           |                             |  |  |
| 13 | UNITED STATES OF AMERICA,   | Case No.: CR 16           | 5–00519 LHK                 |  |  |
| 14 | Plaintiff,  | DEFENDANT'S WITHDRAWAL OF |                             |  |  |
| 15 | v.  |                           | TO SUPPRESS (DOCKET NO. 49) |  |  |
| 16 | JOHNNY RAY WOLFENBARGER,  | Court:                    | Honorable Lucy H. Koh       |  |  |
| 17 | Defendant.  | Hearing Date:             | April 18, 2018              |  |  |
| 18 |   | Hearing Time:             | 9:15 a.m.                   |  |  |
| 19 |   |                           |                             |  |  |
| 20 | Defendant Johnny Pay Wolfenbarger, by   | y and through his coun    | cal haraby withdraws        |  |  |
| 21 | Defendant Johnny Ray Wolfenbarger, by and through his counsel, hereby withdraws his pending motion to suppress statements (Docket No. 49). Accordingly, the defense's request for an evidentiary hearing at the April 18, 2018 court hearing is also withdrawn. |                           |                             |  |  |
| 22 |   |                           |                             |  |  |
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DEF.'S WITHDRAWAL OF MOTN TO SUPPRESS STATEMENTS CR 16–00519 LHK

## 

| 1  | The defense will appear at the April 18, 2018 hearing date, unless the Court wishes to change |                |  |  |  |
|----|---|----------------|--|--|--|
| 2  | or vacate the hearing date.   |                |  |  |  |
| 3  |   |                |  |  |  |
| 4  |   |                |  |  |  |
| 5  |   |                | Respectfully submitted,                                    |  |  |
| 6  | Dated:  | April 17, 2018 | STEVEN G. KALAR  |  |  |
| 7  |   |                | Federal Public Defender<br>Northern District of California |  |  |
| 8  |   |                | /S   |  |  |
| 9  |   |                | GRAHAM ARCHER Assistant Federal Public Defender            |  |  |
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